

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this Amendment, claims 2, 4-8, 10, 11, 13-23, and 27-33 were pending in this application, of which claim 2 was the only independent claim. In response to the Office Action mailed April 7, 2008 ("Office Action"), Applicant amends claim 2 and cancels claim 17 without prejudice or disclaimer. No new matter has been added. Claims 2, 4-8, 10, 11, 13-16, 18-23, and 27-33 are present and pending on the merits. Applicant hereby addresses the Examiner's rejections and objections in turn as follows.

I. Claim Rejection under 35 U.S.C. § 103(a)

In the Office Action the Examiner rejected claims 2, 4-6, 11, and 13-16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,099,130 to Aitken ("Aitken") in view of Japanese Patent No. 11-354064 to Ogata et al. ("Ogata"). Of those claims, claim 2 is the only independent claim included in the claim rejection.

The Examiner acknowledges that "[t]he prior art does not teach to use the particular voltage waveform claimed in claim 17 to apply to the scanner in the Aitken/Ogata et al. apparatus discussed above, or to form the two opposing electrodes of the deflector taught by Aitken as a plurality of segments with at least one gap." Office Action at 5. Indeed, the Examiner indicated the subject matter of claim 17 is allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. In accord with the Examiner's indication of allowability and by this Amendment, Applicant amends independent claim 2 to include the subject matter

recited in dependent claim 17 as recited above. Applicant respectfully submits that amended independent claim 2 should be allowable for at least this reason.

For at least the reasons noted above, the Office Action fails to establish a *prima facia* case of obviousness with respect to amended independent claim 2, and claims 4-6, 11, and 13-16, which depend therefrom. Accordingly, Applicants respectfully request the Examiner to withdraw the 30 U.S.C. § 103(a) rejection of these claims for further consideration.

II. Objection to Dependent Claims 7, 8, 10, 17-23, and 27-33

In the Office Action, claims 7, 8, 10, 17-23, and 27-33 were objected to as being dependent upon a rejected base claim. Office Action at 5. Of these, claims 7, 8, 10, 18-23, and 27-33 are present and pending on the merits.

Each of claims 7, 8, 10, 18-23, and 27-33 depend from amended independent claim 2, and thus, they should be allowable for at least the same reasons as amended independent claim 2. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection of claims 7, 8, 10, 18-23, and 27-33.

III. Conclusion

For at least the reasons set forth above, amended independent claim 2 should be allowable. Dependent claims 4-8, 10, 11, 13-16, 18-23, and 27-33 each depend from allowable amended independent claim 2. Therefore, each of those dependent claims should be allowable for the same reasons their corresponding independent claim is

allowable, as well as by virtue of their recitations of novel and non-obvious subject matter.

Accordingly, Applicant respectfully requests reconsideration of this application, withdrawal of the claim rejections, and allowance of claims 2, 4-8, 10, 11, 13-16, 18-23, and 27-33.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6474.

Applicants respectfully submit that the Office Action contains a number of assertions concerning the related art and the claims of the present application. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: F. Leslie Bessenger III
F. Leslie Bessenger III
Reg. No. 39,108